

(2) in retaliation for or on account of an exercise of official power or performance of an official duty by the employee.

SECTION 4. The section heading to Section 22.03, Penal Code, is amended to read as follows:

Sec. 22.03. DEADLY ASSAULT ON LAW ENFORCEMENT OR CORRECTIONS OFFICER, MEMBER OR EMPLOYEE OF BOARD OF PARDONS AND PAROLES, COURT PARTICIPANT, [OR] PROBATION PERSONNEL, *OR EMPLOYEE OF TEXAS YOUTH COMMISSION.*

SECTION 5. (a) The change in law made by this Act applies only to an offense committed on or after the effective date of this Act. For purposes of this section, an offense is committed before the effective date of this Act if any element of the offense occurs.

(b) An offense committed before the effective date of this Act is covered by the law in effect when the offense was committed, and the former law is continued in effect for this purpose.

SECTION 6. This Act takes effect September 1, 1991.

SECTION 7. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

Passed by the House on April 2, 1991, by a non-record vote; the House refused to concur in Senate amendments to H.B. No. 806 on May 25, 1991, and requested the appointment of a conference committee to consider the differences between the two houses; the House adopted the conference committee report on H.B. No. 806 on May 27, 1991, by a non-record vote; passed by the Senate, with amendments, on May 23, 1991, by a viva-voce vote; at the request of the House, the Senate appointed a conference committee to consider the differences between the two houses; the Senate adopted the conference committee report on H.B. No. 806 on May 27, 1991, by a viva-voce vote.

Filed without signature June 16, 1991.

Effective September 1, 1991.

CHAPTER 904

H.B. No. 985

AN ACT

relating to the municipal annexation of territory by general-law municipalities.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Subchapter B, Chapter 43, Local Government Code, is amended by adding Section 43.033 to read as follows:

Sec. 43.033. *AUTHORITY OF GENERAL-LAW MUNICIPALITY TO ANNEX AREA.* (a) *A general-law municipality may annex adjacent territory without the consent of any of the residents or voters of the area and without the consent of any of the owners of land in the area provided that the following conditions are met:*

- (1) the municipality has a population of 1,000 or more and is not eligible to adopt a home-rule charter;*
- (2) the procedural rules prescribed by this chapter are met;*
- (3) the municipality must be providing the area with water and sewer service;*
- (4) the area does not include unoccupied territory in excess of one acre for each service address for water and sewer service;*

(5) *the service plan requires that police and fire protection at a level consistent with protection provided within the municipality must be provided to the area within 10 days after the effective date of the annexation; and*

(6) *the municipality and the affected landowners have not entered an agreement to not annex the area for a certain time period.*

(b) *If, after one year but before three years from the passage of an ordinance annexing an area under this section, a majority of the landowners or registered voters in the area vote by petition submitted to the municipality for disannexation, the municipality shall immediately disannex the area. If the municipality disannexes the area under this subsection, the municipality may discontinue providing the area with water and sewer service.*

SECTION 2. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

Passed by the House on May 20, 1991, by a non-record vote; passed by the Senate on May 26, 1991: Yeas 31, Nays 0.

Filed without signature June 16, 1991.

Effective August 26, 1991, 90 days after date of adjournment.

CHAPTER 905

H.B. No. 1214

AN ACT

relating to the petroleum storage tank remediation fund.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Section 26.342, Water Code, is amended to read as follows:

Sec. 26.342. DEFINITIONS. In this subchapter:

(1) "Aboveground storage tank" means a nonvehicular device that is:

(A) made of nonearthen materials;

(B) located on or above the surface of the ground or on or above the surface of the floor of a structure below ground such as a mineworking, basement, or vault; and

(C) designed to contain an accumulation of petroleum.

(2) "Claim" means a demand in writing for a certain sum.

(3) "Corporate fiduciary" means an entity chartered by the Banking Department of Texas, the Savings and Loan Department of Texas, the United States comptroller of the currency, or the director of the United States Office of Thrift Supervision that acts as a receiver, conservator, guardian, executor, administrator, trustee, or fiduciary of real or personal property.

(4) "Eligible owner or operator" means a person designated as an eligible owner or operator for purposes of this subchapter by the commission under Section 26.3571(d) of this code.

(5) [(4)] "Hazardous substance" has the meaning assigned by Section 101(14) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. Section 9601 et seq.).

(6) "Hydraulic fluid" means any regulated substance that can be used in a hydraulic lift system.

(7) "Lender" means:

(A) a state or national bank;